

Howard Friedman
General Counsel

August 12, 2019

VIA EMAIL

Hugo Smith
MuckRock
60923-79609982@requests.muckrock.com

RE: #F14,997

Escalators at Stuyvesant High School

Dear Mr. Smith:

I am writing in response to your letter dated July 24, 2019, and received by this office on July 29, 2019, in which you appeal the alleged constructive denial of the above referenced Freedom of Information Law ("FOIL") request.

By email dated September 15, 2018, you submitted a FOIL request for:

All emails, memorandums, documents, maintenance requests, and text messages regarding the escalators at Stuyvesant High School (345 Chambers Street, New York, New York) between 8/1/18 and 9/15/18.

. . . any other documents regarding the safety, and concerns about the safety, of the escalators at Stuyvesant High School created, responded to, or edited between 8/1/18 and 9/15/18.

Consistent with Public Officers Law § 89(3)(a) and Chancellor's Regulation D-110(VI)(A), the DOE's Records Access Officer ("RAO") acknowledged your FOIL request within five business days and assigned it FOIL reference number F14,997. By letter dated October 22, 2018, the RAO informed you that the portion of your request seeking emails and text messages was not reasonably described pursuant to Public Officers Law § 89(3)(a). You were informed that a request reasonably describes records when the description provides sufficient ability, with reasonable effort, to launch an effective search to locate and identify the records sought and that here, an effective search could not be completed because you failed to provide the names or job titles of those whose records you seek. You were informed that a failure to provide a clarification to your request by November 26, 2018 would deem that portion of your request withdrawn. As the FOIL Unit did not receive a clarification from you, this portion of your request was deemed withdrawn.

By letters dated November 27, 2018, February 26, 2019 and March 13, 2019, you were informed that additional time was needed to respond to your request.

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On July 29, 2019, we received your letter dated July 24, 2019, in which you appeal what you describe as the DOE's constructive denial of your request.

I am informed that by letter dated August 9, 2019, the RAO provided you with a final response to your request along with records responsive to your request.

Therefore, I find that your appeal is now moot.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toni Gantz', with a long horizontal flourish extending to the right.

Toni Gantz
Executive Deputy Counsel

CC: Howard Friedman
Joseph A. Baranello
Committee on Open Government